



## MASSACHUSETTS

# Workforce Investment Act

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**WIA Communication No. 01-37**☒ **Policy**   ☐ **Information**

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DET Regional Directors  
DET Area Directors

**cc:** WIA State Partners

**From:** Jonathan Raymond, President  
Commonwealth Corporation

Laurence K. Jones, III, Director of Civil Rights  
Commonwealth's WIA EEO Officer  
Division of Employment and Training

**Date:** August 2, 2001

**Subject:** Equal Opportunity Initial and Continuing Notification:  
Posters, Fliers, and Other Communications

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**Purpose:** The 'Equal Opportunity is the Law' notice informs covered individuals that the discriminate against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity. The notice further informs these individuals about their rights to file complaints of discrimination.

This communication describes the shorter notice which must appear on publications, broadcasts, and other communication about programs financially assisted (see definitions in the provisions cited below) by Title I of the Workforce Investment Act (WIA).

**Background:** Equal Opportunity (EO) notices in various formats and shorter EO messages on publications have been long-standing requirements of the United States Department of Labor – Civil Rights Center (the office responsible for enforcing civil rights laws affecting recipients of federal employment and training funds). The regulations at **29 CFR Part 37: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998**, specifically 29 CFR 37.30 details the notice and communication requirements.

**Instructions:** All WIA Title I financially assisted programs and activities shall develop and distribute fliers and posters containing the EO notice at 29 CFR 37.30. Notices and fliers shall be reproduced in both English and whatever language may be appropriate for your area. The notices shall contain the name, address, telephone number, and TDD/TTY number (for use by individuals with a hearing disability). Attached is an example poster/flier in English.

The shorter message that is to appear on publications, brochures, broadcasts, and other communications about WIA-related or supported activities is “\_\_\_\_\_ is an equal opportunity employer/program” and “Auxiliary aids and services are available upon request to individuals with disabilities with appropriate TDD/TTY numbers.”

The EO provisions at 29 CFR Part 37.35 describes a sub-recipient’s responsibility to provide services and information in languages other than English.

**Action**

**Required:** Posters and fliers containing the prescribed EO language should be published and posted in all prominent areas. The shorter notice that is to appear on publications, brochures, broadcasts and other communications should be part of these communications as they are made public.

**Inquiries:** Contact Rosemary Graham, Commonwealth Corporation’s Equal Opportunity Officer, at (617) 727-8158 extension 1325 or E-mail: [rgraham@commcorp.org](mailto:rgraham@commcorp.org) with your questions.

**Filing:** Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-37.

**Attachments(s):** The notice, **Equal Opportunity is the Law**  
FAQ-Frequently Asked Questions  
Example poster/flier

**FAQ-FREQUENTLY ASKED QUESTIONS**  
**REGARDING FILING**  
**A FORMAL COMPLAINT OF DISCRIMINATION**  
**COMMONWEALTH CORPORATION**  
**WORKFORCE INVESTMENT ACT**

***Who may file a complaint concerning discrimination connected with WIA Title I?***

Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship/status as a lawfully admitted immigrant authorized to work in the US, or his or her participation in any WIA Title I financially assisted program, which is prohibited by the Nondiscrimination and Equal Opportunity provisions of the Workforce Investment Act, may file a written complaint, either by him/herself or through a representative.

***Where to file a complaint?***

A complaint may be filed with the Equal Opportunity Officer at the local WIA Recipient's office

Local WIA Equal Opportunity Officer Name and Address:

EXAMPLE ONLY  
Rosemary Graham, Equal Opportunity Officer  
Commonwealth Corporation  
The Schrafft Center  
529 Main Street, Suite110  
Boston, MA 02129  
Rgraham@commcorp.org

TEL: 617-727-8158                      TDD/TTY 1-800-439-2370 (Verizon Relay Service)  
FAX: 617-242-7660                      Voice 1-800-439-0183 (Verizon Relay Service)

Or with the Director of the USDOL Civil Rights Center CRC Address:

Director  
Civil Rights Center  
US Dept. of Labor  
200 Constitution Avenue NW  
Room N-4123  
Washington, DC 20210

If the complaint is initially filed with the local WIA office, it may later be filed with or reviewed by the Civil Rights Center.

***When must a complaint be filed?***

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the Director of the USDOL Civil Rights Center may extend the filing time.

***Is there a form that may be used to file a complaint?***

Yes, a complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the local WIA recipient's Equal Opportunity Officer or directly from the CRC at the address listed above.

***What information must a complaint contain?***

Each complaint must be filed in writing, and must contain the following information:

- (a) The complainant's name and address (or another means of contacting the complainant);
- (b) The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
- (c) A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
  - (i) CRC or the recipient, as applicable, has jurisdiction over the complaint;
  - (ii) The complaint was filed in time; and
  - (iii) The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA or this part; and
- (d) The complainant's signature or the signature of the complainant's authorized representative.

***Is there a right of representation in the complaint process?***

Yes. Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice. In addition, each complainant and respondent is entitled to due process including notice of specific charges and responses involved, an impartial decision maker, the right to present evidence and question others who present evidence, and a decision made strictly on the recorded evidence.

***Is this information Confidential?***

The name of the complainant shall be kept confidential, to the extent possible. When consent has been provided for the release of complainant's identity, disclosure should be under the conditions which will promote continued receipt of confidential information.

No person, organization or agency may discharge or in any manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the Workforce Investment Act, testified, or is about to testify, in any proceeding or investigation, or has provided information or assisted in an investigation.

### ***What is the Complaint resolution process?***

Local WIA Recipient Process – The local WIA recipient shall process and issue a Written Notice of Final Action on discrimination complaints within 90 days of the date on which the complaint is filed. During the 90 time period, the recipient will determine whether it has jurisdiction over the matter(s), conduct fact-finding or investigation of the circumstances, and attempt to resolve the complaint by customary processes or at the complainant's choice, alternative dispute resolution. The written Notice of Final Action provided to the complainant within the 90 day period will contain for each issue raised in the complaint, a statement of either the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties have resolved the issue. The Notice of Final Action will also contain notice that the complainant has the right to file a complaint with the CRC within 30 days of the date the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint.

Federal CRC Process - A complaint may be initially filed at the federal level with the Civil Rights Center (CRC) as an alternative to the local process.

**If, during the 90-day period, the recipient issues its Notice of Final Action, but the complainant is dissatisfied with the recipient's decision on the complaint, the complainant or his/her representative may file a complaint with the Director within 30 days after the date on which the complainant receives the Notice.**

If, by the end of 90 days from the date on which the complainant filed the complaint, the recipient has failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the Director within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the Director within 120 days of the date on which the complaint was filed with the recipient.